

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|-----------------------------------|---|---------------------------------------|
| United States of America, |) | Civil Case No.: 3:18-cv-2038 |
| |) | |
| Plaintiff, |) | |
| |) | Judge |
| v. |) | |
| |) | |
| 145 Payment Cards with a Value of |) | |
| \$8,160.00, |) | <u>VERIFIED</u> |
| |) | <u>COMPLAINT IN FORFEITURE</u> |
| Defendant. |) | |

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and Guillermo J. Rojas, Assistant U.S. Attorney, and files this Verified Complaint in Forfeiture, respectfully alleging on information and belief the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

I. **NATURE OF ACTION AND JURISDICTION**

1. This is an action to forfeit the Defendant 145 Payment Cards with a Value of \$8,160.00 (“Defendant Payment Cards”) to the United States. The Defendant Payment Cards consists of the payment cards identified in Exhibit (1), which includes 102 Walmart Gift Cards valued at \$80.00 each and 43 other payment cards with no stored-value.

2. On June 25, 2017, at approximately 7:37 am, Troopers from the Ohio State Highway Patrol (“OSHP”), lawfully seized the Defendant Payment Cards pursuant to a traffic stop on Interstate Route 80 in Fulton County, Ohio. Troopers seized the Defendant Payment Cards from a 4-door Volkswagon (“VW”) Passat driven by Rajiv Dudhnath (“Dudhnath”) and in

which Asif Baksh (“Baksh”), Dylan Salamalay (“Salamalay”), and Ali I. Saif (“Saif”) were passengers. Troopers found the Defendant Payment Cards in a black plastic bag on the driver’s side right corner of the car’s engine compartment.

3. Subsequent to seizure, OSHP transferred custody of the Defendant Payment Cards to the United States Secret Service (USSS). The Defendant Payment Cards are in storage at the USSS office located at the Four Seagate Building in Toledo, Ohio.

4. On or about January 17, 2018, the USSS sent release letters to each of the four occupants of the VW Passat where OSHP found the Defendant Payment Cards. This release letter notified each occupant of the VW Passat that, within 30 days, he must file a claim to recover the Defendant Payment Cards, submit the signed Agreement to Surrender Property Agreement enclosed in the letter, or abandon his interest to the Government for failure to respond.

5. On January 25, 2018, the USSS received a signed Agreement to Surrender Property form letter from Baksh, attached as Exhibit (2). Per the letter, Baksh indicated that he was the owner of the Defendant Payment Cards and voluntarily relinquished ownership to the United States Government. The USSS did not receive responses to its release letter from any of the other three occupants of the VW.

6. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

7. This Court has in rem jurisdiction over the Defendant Payment Cards pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the property was found in this district.

8. Venue is proper in this district under 28 U.S.C. § 1355(b)(1)(B), incorporating 28

U.S.C. § 1395, because the Defendant Payment Cards were found in this district.

9. The Court will have control over the Defendant Payment Cards through service of an arrest warrant in rem, which the Plaintiff will execute upon the Defendant Payment Cards.

See Supplemental Rule G(3)(b)-(c); 28 U.S.C. § 1355(d).

II. BASIS OF FORFEITURE

10. The Defendant Payment Cards are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), because they constitute or are derived from proceeds traceable to access device fraud under Title 18 U.S.C. § 1029(a)(5).

11. A violation of 18 U.S.C. §§ 1029(a)(5) occurs when an individual—

knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than \$1,000.

III. FORFEITURE COUNT

A. The Highway Traffic Stop

12. On June 25, 2017, at approximately 7:37 am, OSHP Trooper Gregory Harkey observed a VW Passat traveling at a high rate of speed on Interstate 80 in Fulton County, Ohio. He measured the car's speed with his radar gun as 91/92 mph in a posted 70 mph zone. Trooper Harkey began to pursue the VW Passat traveling at about 90 mph and, at one point, saw the car drift into the adjoining right lane by approximately a quarter of the vehicle.

13. Trooper Harkey activated his lights and stopped the VW Passat around Milepost 36 eastbound. He observed four male occupants in the car.

14. Trooper Harkey approached the car, explained the reason for the stop to the driver, and asked the driver for his driver's license and vehicle information.

15. The driver, identified as Rajiv Dudhnath, indicated that he and the other

occupants were heading home to New York, but he could not say from where they came. He stated that the car was a rental and that the front seat passenger had rented it.

16. Trooper Harkey noticed the strong odor of raw marijuana coming from the VW Passat and asked Dudhnath to exit the car. Trooper Harkey then placed Dudhnath in his patrol car and asked if any contraband was in the VW Passat. Dudhnath said he did not know of any contraband in the car.

B. The Probable Cause Search of the Suspects' Car

17. Trooper Harkey called another OSHP unit for assistance to conduct a probable cause search. OSHP Sgt. T. S. Campbell arrived on the scene, and the Troopers removed the remaining occupants from the VW Passat and placed them in their patrol cars.

18. The right, rear seat passenger, Dylan Salamalay, sat in Trooper Harkey's patrol car. Trooper Harkey asked him if any marijuana was in the car. Salamalay stated that no marijuana was in the car, but he had smoked some earlier.

19. Salamalay indicated that they were coming from the Akron/Canton area but were uncertain of their present location.

20. Trooper Harkey determined that Baksh rented the VW Passat on June 2, 2017.

21. Trooper Harkey and Sgt. Campbell began the probable cause search of the VW Passat. They found what the OSHP lab later confirmed was loose marijuana on the seats and floorboard areas. They also found several packs of Newport cigarettes with a State of Wisconsin tax stamp.

22. Sgt. Campbell opened the hood of the VW Passat's engine compartment, and he found a black, plastic bag on the driver's side, front corner. Inside, Sgt. Campbell found credit cards, a bulk amount of Walmart refillable gift cards, and a credit card scanner. Sgt. Campbell

also found some cards inside of a clear plastic bag in the glove box.

23. Troopers seized the payment cards and read all of the VW Passat's occupants Miranda warnings. Troopers then asked the occupants if they knew about the payment cards found in the car. All of the suspects denied any knowledge of them.

C. Subsequent Investigation

24. Troopers transported the four occupants and the VW Passat to the OSHP Swanton Post for further investigation.

25. OSHP Trooper A.J. Scherley U-1852 arrived at the Swanton Post and interviewed the four suspects. Salamalay and Dudhnath were the only occupants who agreed to talk to Trooper Scherley, recounting the following:

- a. Salamalay and Dudnath again denied knowledge of the payment cards and did not reveal where they started their trip.
- b. They admitted to smoking marijuana in the car.
- c. Salamalay indicated that they were just getting food and trying to meet girls.
- d. Dudnath stated they had been driving around since Thursday or Friday and went to see some friends. He did not indicate where they went.

26. After speaking with the four suspects, Trooper Scherley and Trooper Harkey began to examine the payment cards more closely. They observed the following:

- a. Distortion to the front design and colors of the cards and irregularities to the design around the cards' chips.
- b. The account numbers on the front of the 10 credit cards found in the VW Passat did not match the numbers produced from using a card reader to scan the cards.
- c. After scanning three of the gift cards, they determined them to be legitimate and purchased in Wisconsin on June 24, 2017, each with \$80.00 of value.

27. After some time elapsed, Dudnath indicated he wanted to speak to Trooper

Scherley again. Dudnarth said he wanted to take the blame for everything, but he continued to be evasive upon further questioning and provided little additional information.

28. Trooper Campbell called Capital One, the issuer of several of the credit cards. A representative from Capital One indicated that, aside from one card containing Baksh's name, the other credit cards contained names of unknown individuals. Further, the representative indicated that none of the credit cards contained an account file.

29. Officers then charged all four suspects with O.R.C. 2913.21 Misuse of Credit Cards and 2913.31 Forgery. Officers also cited Dudhnath for speeding. Officers transported the four suspects to the Corrections Center of Northwest Ohio to await further processing and court appearances.

30. OSHP Trooper Anthony J. Scherley took an accounting of the seized payment cards, scanning information from the payment cards onto a spreadsheet. He determined that the suspects had 102 gift cards purchased at nine different Walmart stores in Wisconsin on June 24, 2017, with a value of \$80.00 each, for a total of \$8,160.00. Apart from the 102 gift cards with \$80.00 of value, Trooper Scherley discovered that an additional 43 payment cards contained credit card information on their magnetic strips.

31. The seized 102 Walmart gift cards and 43 other payment cards constitute the Defendant Payment Cards in the instant case.

32. Along with the Defendant Payment Cards, officers found a card reader and writer that is capable of reprogramming information on the magnetic strip of a payment card.

33. In Judgment Entries filed on October 10, 2017, the Common Pleas Court of Fulton, Ohio, accepted guilty pleas of Dudhnath, Baksh, Salamalay, and Saif to Forgery, in violation of O.R.C. Section 2913.31(A)(3), and Receiving Stolen Property, in violation of O.R.C.

Section 2913.51(A), for activities related to the payment cards found in the suspects' car.

IV. CONCLUSION

34. By reason of the foregoing, the Defendant Payment Cards, and any stored-value, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), as property constituting or derived from access device fraud under Title 18 U.S.C. § 1029(a)(5).

V. CLAIM FOR RELIEF

WHEREFORE the United States prays that the Court order the Defendant Payment Cards, including any stored-value, be forfeited to the United States, award the United States costs and disbursements in this action, and provide such other and further relief as the Court deems proper and just.

Respectfully submitted,

JUSTIN E. HERDMAN
UNITED STATES ATTORNEY

Dated: September 7, 2018

/s/ Guillermo J. Rojas
Guillermo J. Rojas (#0069882)
Assistant U.S. Attorney
Four Seagate, Suite 308
Toledo, Ohio 43604-2624
Phone/Fax: (419) 259-6376/6360
Guillermo.Rojas@usdoj.gov

VERIFICATION

I, Steve Snyder, am a Special Agent with the United States Secret Service and the case agent assigned to this case. I have read the contents of the foregoing Verified Complaint for Forfeiture, and the statements contained therein are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7 day of September, 2018.

/s/ Steve Snyder
Steve Snyder
Special Agent
United States Secret Service

Sworn to and subscribed in my presence this 7th day of September, 2018.

/s/ Gretchen E. Croniser
Notary Public
My commission does not expire.

VERIFICATION

I, Justin G. Craig, hereby verify and declare under penalty of perjury that I am a Trooper with the Ohio State Highway Patrol, that I have read the foregoing Verified Complaint, and the statements contained therein are true to the best of my knowledge and belief.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 7 day of September, 2018.

/s/ Tpr. J. G. Craig
Justin G. Craig
Trooper
Ohio State Highway Patrol

Sworn to and subscribed in my presence this 7 day of September, 2018

/s/
Notary Public
My commission does not expire

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2018, a copy of the foregoing was filed with the Court. All Parties listed below will be served, by certified U.S. Mail, with a copy of the instant Verified Complaint along with a Notice of a Complaint for Forfeiture. Parties may also access this filing through the Court's electronic filing system.

Asif Baksh
11511 117th Street
South Ozone Park, NY 11420

Dylan Salamalay
18834 Woodhull Ave.
Hollis, NY 11423

Rajiv Dudhnath
10439 129th Street
Richmond Hill, NY 11419

Ali Saif
109-15 116th Street
South Ozone Park, NY 11420

/s/ Guillermo J. Rojas

Guillermo J. Rojas
Assistant U. S. Attorney

| | Case# 17-052021-0189 | |
|---------------------------|---------------------------|-------|
| Number on the Card | Actual Number when Swiped | Value |
| 4577888943017899 | 4147098694082546 | 0 |
| 5213331229216352 | 4147098968490003 | 0 |
| 5455122902438929 | 4147098530350743 | 0 |
| 4789788431001111 | Unable to be read | 0 |
| 4887013466792104 | Unable to be read | 0 |
| 4446776521118766 | 4147098355100801 | 0 |
| 4557888932342119 | 4147099929573507 | 0 |
| 4566878956332987 | 4147098142586858 | 0 |
| 4778901389340112 | 4147098694082546 | 0 |
| 4566778931120012 | 4147098694082546 | 0 |
| 4566789923126777 | 4147098694082546 | 0 |
| Large Bag | | |
| 6130461102562362 Pin#1722 | 4147099260087729 | 0 |
| 6130461102573145 Pin#8326 | 4147098971861638 | 0 |
| 6130461102592049 Pin#6709 | 4147099111548143 | 0 |
| 6130461102589948 Pin#6977 | 4147097837599960 | 0 |
| 6130461102502482 Pin#4498 | 4147099399907631 | 0 |
| 6136885102189093 Pin#4290 | 4147099682754591 | 0 |
| 6136885111429842 Pin#6444 | 4147099603238781 | 0 |
| 6136885111433749 Pin#4721 | 4147099637460781 | 0 |
| 6136885111416801 Pin#6215 | N/A | 0 |
| 6139630351528051 Pin#9383 | 4147097718182316 | 0 |
| 6139630351530018 Pin#6298 | 4147099402198426 | 0 |
| 6136885102313028 Pin#7550 | 4147098377602735 | 0 |
| 6136885111400306 Pin#0712 | 4147097680609973 | 0 |
| 6136885102364529 Pin#7802 | 4147098989272133 | 0 |
| 6136885102355851 Pin#9980 | 4147099994430799 | 0 |
| 6136885102338711 Pin#7611 | 4147098877047530 | 0 |
| 6130461102556642 Pin#7031 | 4147097489847725 | 0 |
| 6139630351491418 Pin#3096 | 4147099954459812 | 0 |
| 6139630351501661 Pin#4154 | 4147098749813952 | 0 |
| 6139630351454518 Pin#8099 | 4147099690381023 | 0 |
| 6136885109707401 Pin#7586 | 4147098457645638 | 0 |
| 6139837482826550 Pin#6122 | 4147099603136712 | 0 |
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| 6136915609172142 Pin#5311 | 4147098804228211 | 0 |
| 6107841824423118 Pin#2298 | 4147098558774352 | 0 |
| 6136940077203243 Pin#1164 | 6010566940077204 | \$80 |
| 6139837482786649 Pin#9446 | 4147098600651764 | 0 |
| 6139811996560474 Pin#6644 | 4147098899209720 | 0 |
| 6139837482908095 Pin#1519 | 4147099275411138 | 0 |
| 6139837482838310 Pin#8632 | 4147098863181509 | 0 |
| 6107841824448689 Pin#6570 | 4147099202481006 | 0 |
| 6139837482790786 Pin#8019 | 4147098393800230 | 0 |

| | | |
|---------------------------|------------------|------|
| | | |
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| 6130459881123297 Pin#2646 | 6010560459881122 | \$80 |
| 6130459881114341 Pin#5914 | 6010560459881114 | \$80 |
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| 6136935247381081 Pin#9725 | 6010566935247382 | \$80 |
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| 6136885155477611 Pin#2541 | 6010566885155478 | \$80 |
| 6136885155467119 Pin#4534 | 6010566885155460 | \$80 |
| 6139636609043354 Pin#3914 | 6010569636609041 | \$80 |
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| 6136917342742820 Pin#1973 | 6010566917342748 | \$80 |
| 6139837482874699 Pin#8071 | 6010569837482875 | \$80 |
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| 6136976714646763 Pin#6206 | 6010566976714647 | \$80 |
| 6136926137064233 Pin#3572 | 6010566926137063 | \$80 |
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| 6135047342276945 Pin#4516 | 6010565047342271 | \$80 |
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| 6127508020761405 Pin#1958 | 6010567508020768 | \$80 |
| 6136885102223268 Pin#1148 | 6010566885102223 | \$80 |
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| 6135047462975628 Pin#7575 | 6010565047462970 | \$80 |
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| 6139214719839279 Pin#2765 | 6010569214719832 | \$80 |
| 6136929593497101 Pin#9335 | 6010566929593494 | \$80 |
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| 6136929593479215 Pin#9619 | 6010566929593478 | \$80 |
| 6136917342713896 Pin#2633 | 6010566917342714 | \$80 |
| 6136940059806164 Pin#9513 | 6010566940059806 | \$80 |
| 6136929593162802 Pin#8513 | 6010566929593163 | \$80 |

| | | |
|---------------------------|-----------------------------------|------|
| 6136929593366041 Pin#9686 | 6010566929593361 | \$80 |
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| 6136940077175227 Pin#7725 | 6010566940077170 | \$80 |
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| 6136929593401423 Pin#2770 | 6010566929593403 | \$80 |
| 6136917342752530 Pin#1896 | 6010566917342755 | \$80 |
| 6136929593371583 Pin#4282 | 6010566929593379 | \$80 |
| 6136929593383478 Pin#0764 | 6010566929593387 | \$80 |
| 6134611264121240 Pin#2926 | 6010564611264128 | \$80 |
| 6134611264117168 Pin#7685 | 6010564611264110 | \$80 |
| | Total of all Gift Cards = \$8,160 | |
| | | |



United States Secret Service
Agreement to Surrender Property

U.S. SECRET SERVICE

2018 JAN 25 AM 10:00

TOLEDO, OHIO

Date: 1/22/18

Name: Asif Baksh
Address: 198-03 Hillside Ave Hollis New York 11423

I, Asif Baksh, am the owner of the item(s) on the attached list. These items were seized during a probable cause search, incident to arrest on 06/25/2017 in Fulton County, Ohio, by the Ohio State Highway Patrol. The items on the attached list were proceeds from violations of Title 18, United States Code 1029 - Access Device Fraud.

As of this date, I hereby voluntarily relinquish ownership of this property to the United States Government, to dispose of in accordance with law. I waive my right to receive service of process and/or any other form of notice of any abandonment proceedings or civil/administrative forfeiture actions initiated by the United States against the property on the attached list.

I agree to release and hold harmless the United States, the Department of Homeland Security, the Secret Service, its officers, employees, and Agents, from any and all claims or causes of actions, of whatever kind, that might now exist or hereafter exist by reason of or growing out of, directly or indirectly, the seizure or surrender of the property on the attached list.

I have not been coerced or threatened in any way, nor do I expect to gain any reward or special consideration for completing this document.

Signature Asif BakshWitness Tuba M. BakshWitness Boonadai WasayinSTATE OF NEW YORK
COUNTY OF QUEENS

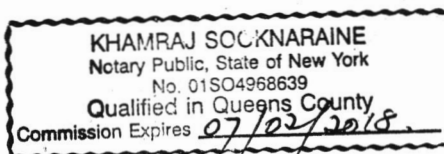


Exhibit (2)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☐ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: is **RELATED** to another **PENDING** civil case is a **REFILED** case was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY: _____

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY: _____

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY: _____

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

☐

AKRON

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

☐

CLEVELAND

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

☐

YOUNGSTOWN

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

☐

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

United States District Court

NORTHERN DISTRICT OF OHIO

Case No. 3:18-cv-2038

WARRANT OF ARREST IN REM

TO: ANY DULY AUTHORIZED LAW ENFORCEMENT OFFICER :

WHEREAS, on ~~September 7, 2018~~ a ~~Complaint in Forfeiture~~
was filed in this court by Guillermo J. Rojas, Assistant United States Attorney for this District, on behalf of the
United States, against:

145 Payment Cards with a Value of \$8,160.00

and WHEREAS, the defendant properties are currently in the possession, custody or control of the United
States or its agency, the United States Secret Service; and,

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions directs the Clerk of the Court to issue a warrant of arrest in rem for the arrest of the defendant
properties; and,

WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions provides that the warrant of arrest in rem must be delivered to a person or organization
authorized to execute it;

YOU ARE COMMANDED to arrest the defendant properties by serving a copy of this warrant on the
custodian in whose possession, custody or control the property is presently found, and to use whatever means may
be appropriate to protect and maintain it in your custody until further order of this Court.

YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon.

WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE

CLERK

(BY) DEPUTY CLERK

Returnable -60- days after issue.

United States Secret Service - Department of the Treasury

DISTRICT

DATE RECEIVED

DATE EXECUTED